

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

JIMMIE EMERY : CIVIL ACTION NO.: _____
VERSUS : JUDGE: _____
OPELOUSAS HOUSING AUTHORITY : MAGISTRATE: _____
: PETITION FOR REMOVAL

PETITION FOR REMOVAL

PLEASE TAKE NOTICE that Defendant, the OPELOUSAS HOUSING AUTHORITY, in that certain proceeding entitled “*Jimmie Emery v. Opelousas Housing Authority*,” bearing Docket Number 20-C-1032, Section D, filed in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, hereby file its Notice of Removal and remove this action to the United States District Court for the Western District of Louisiana.

A copy of this Notice of Removal is being served upon Jimmie Emery, pro se Plaintiff in these proceedings and a copy of this Notice of Removal is being filed with the Clerk of Court of the above-referenced state court in conformity with 28 U.S.C. § 1446(d). In addition, pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders in Defendants’ possession is attached hereto as Exhibit A.

Defendants respectfully submit that the grounds for their removal of the action are as follows:

I.

A Petition for Suit (the “Petition”) entitled “*Jimmie Emery v. Opelousas Housing Authority*,” bearing Docket Number 20-C-1032, Section D, was filed in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana on March 20, 2020. (See attached as Exhibit A)

II.

Plaintiff, in his non-conforming Petition sets forth a claim for employment discrimination pursuant to the Americans With Disabilities Act.

III.

Service was effectuated on the Opelousas Housing Authority on March 24, 2020. However, due to the COVID-19 pandemic, a delay occurred in the transmittal of this matter to counsel. Counsel for defense only received this matter on May 20, 2020, and as such and given these unforeseen circumstances, Defendant seeks a removal of this action beyond the period allotted in 28 U.S.C. § 1446, et seq.

IV.

Accordingly, this action may be removed to this Honorable Court pursuant to 28 U.S.C. § 1441.

X.

Pursuant to 28 U.S.C. § 1367, this Honorable Court has supplemental jurisdiction over any and all claims, if any, for which it does not have original jurisdiction.

WHEREFORE, Defendant, OPELOUSAS HOUSING AUTHORITY., prays that its Notice of Removal be deemed good and sufficient and that the aforesaid “Petition for Suit” be removed from the 27th Judicial District Court for the Parish of St. Landry, State of Louisiana to this Honorable Court for trial and determination as provided by law, and that this Court enter such orders and issue such process as may be proper to bring before it copies of all records and proceedings in such civil action from such state court, and thereupon proceed with the civil action as if it had been commenced originally in this Honorable Court.

Respectfully submitted,

The Dill Firm, A.P.L.C.

BY: /s/K. Wade Trahan
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CERTIFICATE

I HEREBY CERTIFY that on this 28th day of May, 2020, a copy of the foregoing pleading was filed electronically with the Clerk of Court using CM/ECF system. Notice of this filing will be sent to counsel for all parties to this proceeding by operation of the court's electronic filing system.

/s/K. Wade Trahan
K. WADE TRAHAN